The BEACON SpotLight
A Study of Constitutional Issues by Topic

Issue 37: 1884 *Juilliard v. Greenman*

The U.S. Supreme Court was not finished with paper currency with its 1871 *Legal Tender Cases* opinion, as the majority declared, in 1884 (regarding the power to declare paper currencies a legal tender), that:

> "The exercise of this power not being prohibited to Congress by the Constitution, it is included in the power expressly granted to borrow money on the credit of the United States."[1]

Casual readers undoubtedly ignore the first portion of this statement, to concentrate upon the last. But, notice the sentence structure, which involves *a priori* reasoning ("because of this, therefore that"), under which the conclusion given *is necessarily reliant upon the earlier-stated premise.*

In other words, the first part of the sentence acts as a *qualifier* for the second part, in this *cause and effect* form of reasoning. If the premise fails or is in any way limited, then the supported effect also fails or is likewise limited.

Therefore, only when and where the first portion of the sentence is true can the second portion of the sentence also be true.

If the justices of the Supreme Court had been honest, they would have admitted that "emitting legal tender paper currencies" is included "in the power to borrow money on the credit of the United States" only when and where members of Congress may exercise any and all powers they desire, except those precious few powers expressly prohibited them.

It is important to declare in plain English that the second portion of the sentence *cannot* stand on its own terms (i.e., without the first portion), as long as the Constitution as now worded stands.

This is the reason why the justices didn't simply declare their "conclusion," without first adding in their furtive premise, because the premise was necessary not only to make their statement "legal," but also to falsely imply that federal servants may everywhere do as they please (which is patently false).

The U.S. Constitution clearly stands superior to all federal servants, each if whom is required to swear an oath to support it. The Constitution as worded otherwise prohibits the emission of legal tender paper currencies in the Union of States—the United States—directly (as the Supreme Court ruled three times).

That later Supreme Court cases were able to uphold the discretionary power to emit a legal tender paper currency (in D.C.) does NOT actually overrule the earlier court cases (or the Constitution)—instead, it only added a huge asterisk next to each of them.

1. *Juilliard v. Greenman,* 110 US 421@ 448 (1884). This court case is also often referred to as (one of) *The Legal Tender Cases* ([that of] 1884).

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The later opinions only said—reading between the lines—that Congress may emit legal tender paper currencies under their exclusive legislation powers for the District Seat, where members of Congress may do anything and everything within their inherent discretion, that is not expressly prohibited them.

And, as the Court's explicitly-stated premise goes, since "The exercise of this power not being prohibited to Congress by the Constitution," then Congress may enact a legal tender paper currency (under their exclusive power, when and where members may do whatever isn't prohibited).

Remember, the U.S. Supreme Court may "re-interpret" words and phrases found in the Constitution, differently, ONLY for the District Seat and other exclusive lands, which have no fixed enumeration of powers anywhere, beyond the single clause of the U.S. Constitution, which says that members may exercise exclusive legislation "in all Cases whatsoever."

Of course, it should also be noted that neither are there any express prohibitions preventing other places—the several States, for instance (or even foreign countries)—from using this D.C. currency, if people choose or they are sufficiently duped into thinking that it is the only option allowed them.

From our careful study of the early coinage Acts of Congress and the Constitution thus far, readers know that only coined dollars of silver and gold fit within the constitutional definition of "money," at precise weights and defined purity, proportional in value as to weight.[2]

And, as shown repeatedly in *The Beacon Spotlight* newsletter, members of Congress have available to them extreme discretionary powers, beyond their enumerated powers that they may directly implement throughout the whole country.

The only "catch" is that these highly-discretionary powers—their exclusive legislation powers—were supposed to be (and are, actually) limited to the geographic confines of the District constituted as the Seat of Government of the United States.

But, devious scoundrels who seek to feather their own nests using the unlimited power for D.C. exploit a clever bypass strategy to exercise indirectly their exclusive legislation powers beyond exclusive legislation boundaries, simply by holding that Article I, Section 8, Clause 17 is yet *part* of "This Constitution" that Article VI, Clause 2 expressly declares to be the supreme Law of the Land. Thereafter, the scoundrels only need to keep quiet and cast suspicion elsewhere (like implying that they have the magical "implied" power to "interpret" various words and phrases of the Constitution to a new meaning, for instance]).

Simply put, our political opponents who seek to exercise inherent discretion *everywhere* bluff their way, using the artificial color of law offered them by using Clause 17 in conjunction with Article VI, to get indirectly over time what Alexander Hamilton could not get directly at the 1787 convention. They are able to pull off that spectacular political coup, only because patriots don't understand what we face, to fight it correctly, to finally put a fitting end to 231 years of utter political nonsense.

The wholesale failure of courtroom defendants to understand political tyranny that operates beyond exclusive legislation boundaries means defendants continuously raise the wrong arguments, assuring their continued defeat.

As ruled in *Juilliard*, Congress may emit a paper currency and declare it a legal tender, under the power to borrow money on the credit of the United States, but only as that named power expressly relates to the District constituted as the Seat of Government of the United States under Article I, Section 8, Clause 17.[3]

As that conclusion isn't self-explanatory, a deeper dive into *Juilliard v. Greenman* is necessary.

2. The Coinage Act of 1853 destroyed the strict proportionality of the subsidiary silver coinage to the silver dollar, even as their legal tender value (of those small silver coins) was limited to purchases of $5. This action effectively drove the American economy towards a gold coin standard, from its original silver coin standard, that initially also had a gold coin equivalency.

3. In his concurring opinion in T*he Legal Tender Cases*, Justice Bradley also held in 1871 that the power for legal tender paper currencies was "incidental to the power of borrowing money." 79 U.S. 457 @ 561 (1871).

The single question which the 1884 case *Juilliard* sought to answer was:

> "whether notes of the United States, issued in time of war, under acts of Congress declaring them to be a legal tender in payment of private debts, and afterwards in time of peace redeemed and paid in gold coin at the Treasury, and then reissued under the act of 1878, can, under the Constitution of the United States, be a legal tender in payment of such debts."[4]

By this passage, it appears that the first portion of the sentence admits that the 1871 *Legal Tender Cases* opinion justified legal tender paper currencies only under the special qualifier of war, while the latter portion of the sentence relating to 1884 *Juilliard* seems to be seeking removal of the need for qualifiers.

However, despite that false inference, later remarks from *Juilliard* necessarily continued to use qualifiers, such as found in this next convoluted passage (italics and underscore added for clarity):

> "Congress, as the legislature of a sovereign nation, being expressly empowered by the Constitution 'to lay and collect taxes, to pay the debts and provide for the common defense and general welfare of the United States,' and 'to borrow money on the credit of the United States,' and 'to coin money and regulate the value thereof and of foreign coin,' and being clearly authorized, as incidental to the exercise of those great powers, to emit bills of credit to charter national banks and to provide a national currency for the whole people in the form of coin, Treasury notes, and national bank bills, and the power to make the notes of the government a legal tender in payment of private debts being one of the powers belonging to *sovereignty* in *other* civilized nations, and *not expressly withheld from Congress by the Constitution*; we are irresistibly impelled to the conclusion that the impressing upon the Treasury notes of the United States the quality of being a legal tender in payment of private debts is an *appropriate* means, conducive and plainly adapted to the execution of the *undoubted* powers of Congress, consistent with the *letter* and *spirit* of the Constitution, and therefore within the meaning of that instrument, '*necessary and proper* for carrying into execution the powers vested by this Constitution in the government of the United States'."[5]

This absurdly-long single sentence contains 226 words. Within it, readers discover not only 16 commas, but the connector word—"and"—was also used 16 times. Also, find one semi-colon and four separate legal quotes, all jumbled together into one long, incomprehensible mega-sentence.

One would have to be a legal genius to follow it, by intention.

But, even with this intentional misdirection, notice again the repeated use of qualifiers—that the emission of paper currencies is not "expressly withheld from Congress" by the Constitution, for example.

This admittedly-true statement, repeated time and again throughout the opinion, only points, however, to the inherent discretion of Congress under members' exclusive legislation authority, where members may do as they please, except as specific powers are expressly withheld them.

After all, the enumerated powers that may be exercised directly throughout the whole Republic don't allow "whatever isn't expressly withheld." Instead, the true standard for the whole Union only allows what is expressly named, implemented using only necessary and proper means (with all else off-limits).

The qualifier—members of Congress being able to act, except where or how they are expressly prohibited—ALWAYS points to the exclusive legislation powers of Congress, for the District Seat and/or "like Authority" exclusive legislation forts, magazines, arsenals, dockyards and other needful buildings.

Within the masterpiece of deception noted above, notice also the Court's devious use of various constitutional catch phrases—including the "letter and spirit of the Constitution" and "necessary and proper" means—that here have meanings opposite their historic understandings.

4. *Ibid.*, Pp. 437 – 438.

5. *Ibid.*, Pp. 449 – 450.

The explicit references to key words and phrases of the Constitution should be a safe-haven for Americans to be able to accept the Court's comments, at face value.

That they are here anything but safe gives additional evidence to the lengths to which devious Supreme Court justices will go to support omnipotent federal powers, even though their words would be permanently written down for all later generations to investigate, to discover just how devilish were the political deviants who supported inherent discretion falsely extended beyond proper legal boundaries.

Emitting paper currencies may be within the "letter" of the Constitution, it may be true, but ONLY because Article I, Section 8, Clause 17 is also found within the Constitution's express words.

Discussing the "spirit" of the Constitution should also be a strong barrier for the crooks and cheats to breach, but evidently even it isn't safe. Realize, though, that the full spirit of the Constitution must include the alternate exclusive legislation powers of Congress for the District Seat, since Article I, Section 8, Clause 17 is *part* of "This Constitution."

Lastly, there was the express mention of "necessary and proper" means being used to implement the enumerated powers of Congress.

Surely, this phrase should be safe, right?

Wrong. Sadly, the justices of the "honorable" U.S. Supreme Court evidently believed no offense was too great in their quest to uphold absolute tyranny far and wide, as to hold anything sacred from their deceit.

Notice, however, *where* the Court claimed "necessary and proper" means were in this instance [instead] vested—"the government of the United States."

It is no coincidence that *Juilliard* could here reference a different meaning for "necessary and proper" than the Constitution meant, when the majority pointed to "the government of the United States" (rather than "the Congress of the United States" [or simply "Congress", or "the United States"]). Because, of course, Congress may NOT emit legal tender paper currency in a "necessary and proper" manner for the whole "United States" as the term "United States" is meant by the Constitution.

After all, one may easily discover *where* the U.S. Constitution actually vests the true enumerated legislative powers—Article I, Section 1 clearly indicates that the enumerated legislative powers are vested in "a Congress of the United States," which Congress "shall consist" of "a Senate and House of Representatives."

There is every bit the fundamental difference between "the United States" and the "Government of the United States," as there is between "members" of Congress and federal "officers."

The "Government of the United States" does NOT include Congress, and members of "Congress" are NOT part of the "Government of the United States."

The Government of the United States is the executive and judicial branches, where officers of the United States—the hired guns of government—are found.

"The United States"—as that term is understood by the Constitution—references the collection of States and is thus always a plural term, in its constitutionally-correct form ["they" and "them," NOT "it"]).

Art. III, Section 3 provides the clearest example of this principle, saying:

> "Treason against THE UNITED STATES, shall consist only in levying War against THEM, or in adhering to THEIR enemies…"

"The United States" correctly understood, means the States united together in common union, much like a family is composed of individual members, even as there is no literal family unit having outside existence apart from its collection of separate individuals who share a common bond.

Note that individuals can exist outside the family unit but the family unit cannot exist outside the individuals who comprise it. If one eliminates the individuals, then the family is also necessarily eliminated, but destroy the family unit and the individuals may still go their separate way, thereafter unconnected.

The same is true of the United States—the States cannot be eliminated without simultaneously eliminating "the United States" (as the Constitution understands that term), but the United States may be eliminated, with the States remaining (thereafter fully independent from one another, as nation states).

The "Congress" "of the United States" is the meeting of the several States together through their elected delegates who attend the group meeting to work out common concerns, as enumerated by their guidebook, according to its earlier-approved format.

In important distinction, members of Congress hold legislative seats, not "offices" under the [government of the] United States.

In fact, Article I, Section 6, Clause 2 of the U.S. Constitution expressly details that no person holding any "office" under the United States shall ever be a member of Congress "during their Continuance in Office."

This latter part of Art. I, Sect. 6, Cl. 2 resolutely establishes the Separation of Powers Doctrine, firmly upholding Legislative Representation, the fundamental building block of our Union. This clause marks the non-combinable DIVIDE that permanently exists between (and clearly separates) federal officers from members of Congress.

Only members of Congress as delegates of the States are given the enumerated legislative powers, which cannot ever be delegated to federal officers.

The exclusive legislative powers, however, MAY be delegated to federal officers (because exclusive legislation powers do NOT have attached to them any guarantee of legislative representation nor a guarantee of a Republican Form of Government [D.C. residents have no legislative representation in Congress, which "District" is NOT a "State" guaranteed a Republican Form of Government]).

So, together, members of Congress from the States and the federal officers of the Government of the United States work in conjunction with one another and perform their separate delegated functions, for the good of the Union.

Article I, Section 8, Clause 18 of the U.S. Constitution confirms this understanding, saying:

> "Congress shall have Power…To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By this clause, members of Congress are given the express power to carry into effect the foregoing powers—the "foregoing" powers speaking to the [legislative] powers which the Constitution enumerates *before* Article I, Section 8, Clause 18 (i.e., Art. 1, Sections 1 - 8 [especially Article I, Section 8, Clauses 1-17]), using necessary and proper means.

By the latter portion of Clause 18, however, members of Congress are also given the necessary and proper means to carry into execution "all other Powers" vested by "this Constitution" in the *"Government of the United States,"* as well as all other powers vested in the various government departments or individual officers directly (that follow in the Constitution *after* Clause 18 [i.e., as covered in Articles II and III {but also IV, V, VI, and VII, to any extent therein applicable}]).

In other words, in the first part of Clause 18, members are given the necessary and proper means for carrying into execution the legislative powers vested in them—in the latter part of the clause, members are given the necessary and proper means for carrying into execution the executive powers vested in the President and the judicial powers vested in the courts. Thus, in t*he Government of the United States* are vested the executive and judicial powers, which members of Congress may yet implement using necessary and proper means.

One must realize that in our normal constitutional government model—our Republican Form of Government—the whole of the Constitution provides many express parameters for allowable government action that may be directly implemented throughout the whole Union. Those powers are well-defined by a written Constitution which may be studied and continuously referenced.

Likewise with the State governments—one may look to the various State Constitutions to study the allowable powers of each State. One may also look to the U.S. Constitution, for the few express prohibitions against "States" therein delineated.

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6. See *The Beacon Spotlight,* Issue 5, for further elaboration on this critical point, which centers on a Republican Form of Government—Legislative Representation—with its Separation of Powers Doctrine.

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But, what exactly are the exclusive legislation actions available within the District constituting the Seat of Government of the United States?

What are the allowable parameters allowed there?

Where does one go to study *those* powers?

The only place where any permanent explanation exists ("permanent" meaning here "outside the discretion of federal servants" [in a written Constitution unalterable by those who exercise its delegated functions]) for the exclusive legislation powers of Congress is the seventeenth clause of the eighth section of the first article of the U.S. Constitution. And there, of course, it only details that Congress may exercise "exclusive" legislation "in all Cases whatsoever" (in the District Seat and "like Authority" forts, magazines, arsenals, dockyards and other needful buildings).

Apart also from a few named prohibitions found in the Bill of Rights that prohibit Congress from doing a number of things (even for the District Seat), little else of a permanent nature may be found, anywhere.

Most everything is thus up for debate and up for grabs in the District Seat, among those who are able to exercise the powers *chosen within their own discretion*.

In D.C., members of Congress and federal servants are thus Masters of Their Own Cause, largely able to do as they please, in all cases whatsoever.

The inherent discretion of Congress was pointedly repeated time and again in the 1884 court case, as it was in the 1871 case. In each instance, the majority of the Court pointed to unusual circumstances and special concerns, topics that have no material relevance for the whole Union, but do have relevance in and to the District Seat (because Congress may there do extraordinary things, in extraordinary situations, because everything there is up to their discretion, and greater need may translate into greater action).

The earlier-quoted monstrous passage in *Juilliard* continued its theme with a new sentence, in a new paragraph, saying:

> "Such being our conclusion in matter of law, the question whether at any particular time, in war or in peace, the *exigency* is such, by reason of *unusual and pressing demands* on the resources of the government or of the *inadequacy* of the supply of gold and silver coin to furnish the currency needed for the uses of the government and of the people, that it is as matter of fact wise and *expedient* to resort to this means is a *political* question, to be determined by Congress when the question of *exigency* arises, and not a judicial question, to be afterwards passed upon by the courts."[7]

This sentence was another doozy in its own right, containing 107 words, 8 commas, two alternatives ("or") and five connector words ("and") bridging together another jumbled group of thoughts.

As briefly mentioned earlier, *Juilliard* admitted that *The Legal Tender Cases* Court had ultimately looked at paper currency "issued in time of war" but *Juilliard* was now looking into whether those notes later redeemed "in time of peace" could be "reissued under the act of 1878."

In other words, the later ruling again admits the earlier ruling looked at special circumstances involving an extraordinary event, which proved critical in *The Legal Tender Cases* Court initially upholding the emission of legal tender paper currencies, under the 1862 Act.

Thus, it is not especially surprising that in *The Legal Tender Cases*, in both the opinion and concurring opinion, used the terms "emergency," "exigency," "contingency" or "necessity" (or their plural forms) no less than 31 different times, on 19 different pages.[8]

Therefore, even in the district constituted as the seat of government of the United States, in 1871, even the highly deceptive Court only upheld the emission of legal tender bills of credit only due to the extraordinary circumstances of the earlier-engaged war!

The *Juilliard* Court was being later called upon to answer if legal tender notes which had been issued in times of pressing urgency and afterwards paid off, could yet be reissued and still declared a legal tender even in time of peace, now under the Act of 1878.

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7. *Ibid.,* Page 350. Italics added

8. *The Legal Tender Cases*, 79 U.S. 457 @ 529, 534, 536, 537, 538, 540, 541, 542, 546, 556, 558, 560, 561, 562, 563, 564, 565, 567 & 568. (1871).

The *Juilliard* Court answered this question in the affirmative, saying:

> "Upon full consideration of the case, the court is unanimously of opinion that it cannot be distinguished in principle form the cases heretofore determined..."[9]

But, remember what the Court earlier said:

> "Such being our conclusion in matter of law, the question whether at any particular time, in *war* or in peace, the *exigency* is such, by reason of *unusual and pressing demands* on the resources of the government, or of the *inadequacy* of the supply of gold and silver coin to furnish the currency needed for the uses of the government and of the people, that it is, as matter of fact, wise and *expedient* to resort to this means, is a *political* question, to be determined by Congress when the question of *exigency* arises, and not a judicial question, to be afterwards passed upon by the courts."[10]

By these words, the 1884 Court was moving away from the need to examine particular exigencies, and thus it is not surprising that *Juilliard* didn't make near as many references to pressing circumstances as had the 1871 Court.

Nevertheless, notice this passage still speaks repeatedly to "[the question of] exigency," "unusual and pressing demands," "inadequacy of the supply of gold and silver coin," and "expedient."

Instead of continuing to concentrate on particular, named circumstances, *Juilliard* largely switched gears, instead concentrating more upon the "sovereign" actions of omnipotent members of Congress, using the words "sovereign" or "sovereignty" nine times, on seven different pages.[11, 12]

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9. *Juilliard v. Greenman,* 110 U.S. 421 @ 438. 1884.

10. Ibid., Page 422. Italics added.

11. Ibid: Pp. 438, 439, 440, 441, 447, 449, and 450.

12. Not coincidentally, Justice Strong (in his opinion) and Justice Bradley (in his concurring opinion) also repeatedly referenced "sovereignty" in *The Legal Tender Cases*, 79 U.S. 457 @ Pages 529, 533, 545, 555, 559, 561, 563, and 564.

In other words, *Juilliard* effectually limited Judicial Review of Congressional claims of exigent circumstances, allowing Congress thereafter to make the call without further questioning by the Court (an arbitrary action, made more fully capricious). Of course, the inevitable effect of this action was to pre-approve Congressional action (without later questioning by the courts).

And, that is exclusive legislative authority of Congress, in a nutshell—unquestioned discretion by those who exercise the exclusive powers—except as the Constitution or other more-controlling legislative/court action otherwise limited or prohibited.

Since *Juilliard* essentially ruled that *any* exigency declared by Congress was thereafter largely going to be a sufficient pretext for members to act as they saw fit, it is again not surprising that *Juilliard* didn't spend a great deal of time on the topic of political expediency.

It no longer much mattered if the extraordinary demand placed upon government was war, economic calamity, a shortage of gold and silver coin, or any other proffered excuse, it would likely *always* be within the discretion of Congress to determine the nature of the difficulty and then the appropriate response, as determined under members' inherent discretion, that could not thereafter be questioned.

And, without express prohibitions against acting in a certain manner, then Congress could act—like by declaring paper currency a legal tender.

But, it is yet important to note that while the precise nature of the extraordinary circumstance no longer much mattered, the *Juilliard* Court nevertheless clearly inferred some exigency was yet necessary, no matter how trivial, for Congress still to be able to do extraordinary things—like, in this case, making bills of credit a legal tender.

As far as inherent discretion went, the 1884 Court more fully put into effect, Alexander Hamilton 1791's words, when he said of the "in all Cases whatsoever" wording of Article I, Section 8, Clause 17:

> "language does not afford a more complete designation of sovereign power than in those comprehensive terms."[13]

Remember, words in the Constitution for the Republic MUST keep the meaning assigned to them as they meant at the time of ratification, except as amendments later-ratified by the States change them, because members of Congress and federal officials NEVER have the power, means or ability to change the U.S. Constitution.

The ONLY exception is for exclusive legislation, under which members of Congress, bureaucrats or judges may redefine words and phrases found in the Constitution, differently, for D.C., at their pleasure.

And, although the U.S. Constitution DIVIDES governing powers throughout the Union into enumerated federal powers and reserved State powers—within the District Seat, the Constitution allows CONCENTRATION of all governing powers in Congress and the U.S. Government.

And, since no State, State-like or District Constitution exists for D.C. like State Constitutions exist for States, then there is nothing that prevents members of Congress (or the Court) from taking words and phrases found in the U.S. Constitution, but giving them DIFFERENT meaning, in and for the District Seat as they make up their own rules there.

To see just how far the 1884 *Juilliard* Court went to uphold the power of Congress to emit bills of credit (ultimately only for the government seat), consider also the following masterpiece (which run-on paragraph is here broken up for greater ease of understanding [with italics and underscore added]):

> "that Congress has the power to issue the obligations of the United States in such form, and to impress upon them such qualities as currency for the purchase of merchandise and the payment of debts, as accord *with the usage of sovereign governments.*
>
> "The power, as incident to the power of borrowing money and issuing bills or notes of the government for money borrowed, of impressing upon those bills or notes the quality of being a legal tender for the payment of private debts, *was a power universally understood to belong to sovereignty, in Europe and America, at the time of the framing and adoption of the Constitution of the United States*.
>
> *"The governments of Europe, acting through the monarch or the legislature, <u>according to the distribution of powers under their respective constitutions</u>*, had and have as *sovereign* a power of issuing paper money as of stamping coin.
>
> "This power has been argued and fully considered, in which the Emperor of Austria, as King of Hungary, obtained from the English Court of Chancery an injunction against the issue in England, without his license, of notes purporting to be public paper money of Hungary."[14]

One must be careful not to ascribe too much meaning to such legal filler designed to confuse the reader, to lead him or her astray.

Is it true that the Emperor of Austria, as King of Hungary, obtained an injunction from the English Court of Chancery?

Undoubtedly, since the Court brought it up; but so what?

That otherwise-irrelevant foreign matters (and pre-Constitution domestic matters) are pressed here in the U.S. after ratification, merely points to the high level of desperation of those who propound such a position.

That these efforts have had the winning hand for 125 years sadly shows our level of constitutional ignorance.

Like the *Juilliard* Court's earlier comment speaking to the "*sovereignty* in <u>other</u> civilized nations" which powers were "not expressly withheld from Congress by the Constitution," the Court's repeated pointing to government sovereignty as the source of power for our Congress simply admits too much.

This is especially true in the passage where the court expresses concern for the "distribution of powers" of the "governments of *Europe* under *their respective constitutions*."

13. https://avalon.law.yale.edu/18th_century/bank-ah.asp

14. *Juilliard v. Greenman,* 110 U.S. 421 @ 447. 1884. Italics and underscore added.

Must we seriously believe the Court's inference that European constitutions (which distribute power to respective European nations) influence our form of government but our own Constitution does not (if they were truly meaning to discuss our Republican Form of Government of the Union)?

Since the *Juilliard* court's comments make no sense if one thinks of our normal constitutional government model of delegated federal powers, then obviously this must necessarily be the wrong government model used to support legal tender paper currencies!

Since we know that the U.S. Constitution actually authorizes *two* opposing forms of government—our Republican Form of Government guaranteed every State of this Union under Article IV, Section 4 of the Constitution and a virtual, if not literal, federal tyranny allowed under Article I, Section 8, Clause 17—we need to ask if the court's comments make sense in light of the latter government model.

Without any State, State-like or District Constitution existing in D.C. to guide and direct members of Congress and federal servants, to help them know what to do, perhaps it is relevant to know what powers widely belonged to sovereign, western-style governments at the time the Constitution was ratified and the District created, for this knowledge may help determine from which powers Congress may ultimately choose to exercise in the District Seat, so that the slate is not completely blank.

Looking to sovereignty—looking to powers outside the those granted by ratification of the Constitution—is only appropriate for the District constituted as the Seat of Government of the United States.

No form of government the world over has ever existed with such raw, undefined power, of a single authorizing statute which simply authorizes the government to act "in all Cases whatsoever" along with only a relative handful of express prohibitions later added.

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15. Ibid., Page 450.

16. Not coincidentally, Justice Strong (in his opinion) and Justice Bradley (in his concurring opinion) also repeatedly referenced "*sovereignty*" in *The Legal Tender Cases*, 79 U.S. 457 @ Pages 529, 533, 545, 555, 559, 561, 563, and 564.

Perhaps it is quite reasonable for the Supreme Court to look to other nations and their sovereign powers, to see what was common in western style, European governments, at the time of our nation's founding, figuring out which powers Congress could exercise, within their exclusive legislation properties.

In other words, the Court's examination into sovereign powers of foreign nations here serves as a possible *restriction* upon the otherwise unfettered discretion of Congress, for the District Seat (unfettered except as the Constitution/Bill of Rights, etc., also restrict).

The Supreme Court isn't able to look much to the remainder of the U.S. Constitution for guidance for the exercise of D.C. exclusive legislation powers, because the whole of the Constitution only has one clause directed to the District Seat. This is the reason for looking at *other countries'* constitutions, which do happen to control the gamut of available governing actions (of course, our State Constitutions do NOT look to federal and international concerns).

The United States ultimately have both the MOST- and LEAST-restricted forms of government on the planet.

The most-restricted form of government is for the Union of States—our Republican Form of Government enumerated within the U.S. Constitution, that may be implemented throughout the Union, using necessary and proper means.

The least-restricted government on the planet is for the exclusive legislation powers allowed for the District Seat—where members of Congress and federal officials may do anything and everything within their inherent discretion, except as they are expressly prohibited.

Sadly, by default—because of our ignorance—we have been increasingly operating under the exclusive legislation powers of the District Seat.

No wonder these United States have drifted so far from the spirit of the Constitution!

Anytime one hears, sees, or reads of pressing concerns, unusual circumstances, emergencies, exigencies, or federal sovereignty, in any Act of Congress, Presidential Order, bureaucratic regulation, or federal court opinion, rest assured that this divergence from our true government rests wholly upon the exclusive

legislation authority of Congress and the U.S. Government, in and for the District of Columbia.

This "exclusive legislation" authority for special federal areas is the only Form of American Government where Congress may act in all cases not otherwise prohibited, within members' inherent discretion, where members may even in times of dire need, exercise extreme discretionary powers.

Therefore, the "exercise of this power" for the District constituted as the Seat of the Government of the United States "not being prohibited to Congress by the Constitution," Congress may in the exclusive legislative District Seat, emit these paper currencies and there designate them a legal tender.

On a related side note, please realize that the *Juilliard* Court not only claims that the power "to borrow money" authorizes the emission of bills of credit (creating new government securities), but in effect authorizes Congress to regulate the value of the money *it borrows* (because additional issuance in great quantities certainly decreases the value of all previously-issued money.

Because members of Congress are expressly empowered with the enumerated power "To coin Money, *regulate the Value thereof;* and of foreign Coin," Congress may regulate the value of money members coin.

Congress may also regulate the American value of foreign coins of silver and gold that members of Congress make current as American money, again by express constitutional authority.

But nowhere in the Constitution are members of Congress ever expressly empowered to regulate the value of money (substitutes) *they borrow*.

Since regulating the value of borrowed money (different from the money members of Congress coin) is not a necessary and proper means to implement an enumerated end, this also confirms that members may not make paper currency a legal tender may not be done, except where members may do as they please, when and where they are not expressly prohibited from doing so.